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FILED

DEC 07 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-FILED:

12/3/10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION, } Case No. CV 10-00022 WHA
Plaintiff, }
v. }
INC21.com CORPORATION, et. al., }
Defendants. }
STIPULATION AND
PROTECTIVE ORDER RE: VIDEO
RECORDED DEPOSITIONS OF
LAW ENFORCEMENT OFFICERS
[PROPOSED]

Subject to the approval of this Court, the undersigned parties hereby stipulate to the following protective order:

The parties agree that entry of the following protective order is necessary in order to: (1) facilitate discovery of information without controversy concerning confidentiality; and (2) protect federal law enforcement officers from having their identities and likenesses disclosed and disseminated, and thereby compromising ongoing law enforcement investigations, including undercover operations.

STIPULATED ORDER

Any and all audio-video recordings of depositions of federal law enforcement officers in the above-captioned action, and in the related case entitled *United States v. Approximately \$2,822,224.75, et al.*, Case No. C 09-3119 WHA, including but not limited to the depositions of U.S. Postal Inspector Andrew Wong, shall be subject to the following restrictions:

1. The audio-video recordings shall be used only for the purpose of this litigation and not

STIPULATION AND PROTECTIVE ORDER RE: CONFIDENTIALITY [PROPOSED]
CASE NO. CV 10-00022 WHA

1 for any other purpose.

2 2. The audio-video recordings shall not be disseminated to anyone other than: (a) Wayne
3 R. Gross, Donald P. Bunnin, Michael A. Piazza, and Joel Dichter, attorneys for INC21.com, Roy
4 Lin, and John Lin in the aforementioned civil actions (collectively "INC21's Attorneys"); (b)
5 counsel for the United States and the Federal Trade Commission; (c) the Court in further
6 proceedings herein; (d) the court reporters or videographers employed to record such depositions;
7 and (e) other persons upon whom the parties mutually agree in writing.

8 3. There shall be no reproduction of the audio-video recordings, except that, as required
9 by the litigation, copies or excerpts may be shown to those authorized in Paragraph 2.

10 4. Except as otherwise provided in Paragraphs 2 and 3, the original and all copies of the
11 audio-video recordings shall remain in the custody of INC21's Attorneys during the pendency of
12 the litigation.

13 5. Upon final determination of this litigation, including all appeals, all audio-video
14 recordings, including copies, shall be returned to counsel for the United States.

15 6. This Stipulation and Protective Order is without prejudice to the right of any party to
16 seek modification of it from the Court. It shall remain in effect until such time as it is modified,
17 amended or rescinded by the Court and shall survive termination of this action. ~~The Court shall~~
18 ~~have continuing jurisdiction to modify, amend, or rescind this Stipulation and Protective Order~~
19 ~~notwithstanding the termination of this action.~~

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1 IT IS SO STIPULATED.
2 DATED: 12/1/10

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4 JOSEPH P. RUSSONIELLO
5 United States Attorney

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11 DAVID COUNTRYMAN
12 Assistant United States Attorney

13
14 DATED: 6/14/10

15 DICHTER LAW LLC

16 Joel Dichter

17 DATED:

18 FEDERAL TRADE COMMISSION

19 11/18/10

20 Douglas V. Wolfe
Sandhya P. Brown

21 APPROVED AND SO ORDERED:

22 DATED: December 8, 2010.

23 HON. WILLIAM H. ALSUP
24 United States District Judge

25
26 STIPULATION AND PROTECTIVE ORDER RE: CONFIDENTIALITY ~~PROPOSED~~
27 CASE NO. CV 10-00022 WHA